

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

THE ORGANIC MEAT COMPANY,	)	CASE NO.: 06 CV585
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER FOR DISMISSAL
	)	
JF O'NEILL PACKING COMPANY, INC.,)	)	
and PROTECTIVE INDUSTRIAL	)	
FLOORING, INC.,	)	
	)	
Defendants.	)	
	)	
PROTECTIVE INDUSTRIAL	)	
FLOORING, INC.,	)	
	)	
Third-Party Plaintiff,	)	
	)	
vs.	)	
	)	
DUR-A-FLEX, INC., and CARLSON	)	
FLOOR COATINGS, A Sole	)	
Proprietorship,	)	
	)	
Third-Party Defendants.	)	

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This matter is before the Court on the stipulation of the parties The Organic Meat Company, JF O'Neill Packing Company, Inc., Protective Industrial Flooring, Inc., Dur-A-Flex, Inc., and Carlson Floor Coatings that the above-captioned action be dismissed without prejudice, each party to pay its own costs, and refiled in the District Court of Douglas County, Nebraska. The parties having further agreed that the dismissal and refiling of this matter will not be opposed nor will any defenses such as statute of limitations, res judicata or other limitations on Organic Meat's ability to refile its complaint in Douglas County be raised upon the refiling of this matter in the District Court of Douglas County, and in consideration of such dismissal, The

Organic Meat Company having waived such defenses, the Court, being fully advised in the premises, finds that such an order should be entered. Accordingly,

IT IS HEREBY ORDERED that the instant action be dismissed without prejudice, with each party to bear its own costs, and that such matter be refiled in state court.

DATED: February 19, 2008

BY THE COURT:

**s/ Joseph F. Bataillon**  
Chief District Judge

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